

**From:** Wayne Hedberg  
**To:** Tom Munson  
**Date:** Wed, Feb 9, 2000 2:04 PM  
**Subject:** Telephone call w/Jean Smith - S/023/063

On February 8, 2000, I called Jean Smith as a follow up to two other phone calls I had received from Jeff Mineheart and Joe Dunlop of Resource Design Group. Mr. Mineheart had called me on Monday (2/7/00) and Mr. Dunlop on February 8th. Both men alleged that Ms. Smith was illegally mining, removing and selling tons of stone without appropriate permits from state and federal lands.

I informed Ms. Smith that we had just received her outstanding \$100 permit application fee and were preparing a final acceptance letter of her original BLM notice. I advised her of the recent telephone calls we had received and asked her to explain what work has been have conducted on the mine properties to date. She acknowledged that a recent business venture between the accusing parties and her had gone bad, which has resulted in substantial ill feelings and mistrust of one another.

Ms. Smith indicated that she (or her workers) **had not** performed any mechanized mining activities to date (contrary to what both callers had indicated). They have only used pry bars to roll a few boulders onto a trailer for market testing purposes. She stated that she had removed the standard 400 lbs. of material from her BLM claims (located in Section 31), allowable under federal law, which did not require formal permit approval (however, the BLM accepted her NOI back in September/99). She said they had not performed any drilling, blasting or heavy equipment work yet and that the BLM (Ron Teseneer) had confirmed this fact during his inspection a week ago. She was willing to take me and anyone else out to the site immediately and show them what they have done to date.

Regarding the question of whether any School Trust land has been affected, she said that they had inadvertently moved some boulders and removed a few from the adjacent state section. This incident occurred because someone had taken down and/or altered her claim markers such that her workers didn't realize they had encroached upon the adjacent state lease. She also said that her claim notices had be removed and a note had been left (by Mr. Dunlop or Mr. Mineheart?) in her discovery marker.

She has since had a land surveyor reconfirm and mark where the section lines and corners are, so this problem should not reoccur. She said that she admitted this to Mr. Teseneer during his inspection and offered to show him where the infraction had occurred. She also said that she contacted SITLA and informed them of this fact once this was determined.

Ms. Smith was very offended (and extremely upset) that these two individuals have been contacting the various state and federal regulatory agencies and spreading lies about what she was doing in the project area (without any documented proof or physical evidence of same). She stated that she has contacted the local sheriff's department, and the district attorney's office trying to press charges against these men for slander and false accusations. She has become quite frustrated in the lack of action or response from these sources. They inferred that this was a civil matter.

She also stated she and her workers have been threatened and intimidated by Mr. Mineheart and/or Mr. Dunlop, accusing them of trespassing and removal of material from *their* property. Neither of these two men have filed any mining notices or permit application with DOGM or BLM to date. Ms. Smith said that these men have filed/acquired 67 other lode mining claims in this area.

Both parties (Ms. Smith and Mr. Dunlop) have applied for the adjacent State Mineral lease (Section 32??). Ms. Smith stated she had only recently been informed that both notices had been rejected by SITLA and the mineral lease will be reopened to a competitive bid process (even though her filing apparently preceded Mr. Dunlop's filing on the same day).

Ms. Smith stated that she did have to leave an empty flatbed trailer on her mining claim because of a flat tire needing repair. She stated that Mr. Dunlop (or his associates) have removed rock material from her mining claims as well. She also said that someone has taken saws to some of the marble located on her

mining claims, in an attempt to make it unsuitable for her to use.

A subsequent phone call was received from Ms. Smith on Wednesday morning, February 9th. She apologized for being so upset the preceding day and stated that she wanted to remain in strict compliance with all applicable state and federal mining laws, rules and regulations.

She asked a question regarding the 5 acre threshold and how it would apply to the sequence of mining operations proposed for her mining claims. She also asked if there were blasting certification requirements for the possible future use of some explosives at the quarry site. She asked for contacts of the appropriate agencies to call in this regard. I suggested a couple of federal agencies to contact for more information and agreed to send her some information about our annual Blaster Certification training program.

She also asked if I could refer her to someone who could answer questions about having armed guards on the mine property. She stated that most of the locals carry sidearms while out in this area due to the high incidence of mountain lion use of the area. She was told that 17 lions were killed by hunters in the vicinity last year. She, or her associates, have seen a lion within 50 feet of their mine property.

She is concerned for her workers (and her own) personal safety (i.e., potential for wounded lions) and said they will also carry sidearms while working in the area. She seemed quite concerned over the negative impression that this may give to others who may come out to the mine site. I had little guidance to offer her in this regard. She thought she might contact the BLM ranger for some possible suggestions or referrals. She thanked me for my time and encourage me to come out and visit the site if I had any doubt or concern over what they were doing.

**A COPY OF THIS EMAIL MEMO WILL BE COPIED TO THE MINE FILE - S/023/063**

**CC:** Joelle Burns, John Blake, Ron\_Teseneer@ut.blm.go...